

FEDERAL FIREARMS LAW

Abramski v. U.S., --- U.S. --- (2014)

Decided June 16, 2014

FACTS: Abramski offered to buy a handgun for his uncle, Alvarez from a licensed dealer.¹ Alvarez sent him a check for the purchase, noting, in the memo line, that it was for a “Glock 19 handgun.” Abramski went to Town Police Supply, where he filled out a Form 4473. He falsely checked that he was the “actual transferee/buyer” although “according to the form’s clear definition, he was not.” He also signed the certification in which he acknowledged that falsely answering the question was a federal crime. When his name cleared the background check, he purchased the weapon. Abramski deposited the check, gave the gun to Alvarez and received a receipt.

Unfortunately, however, “federal agents found that receipt while executing a search warrant at Abramski’s home after he became a suspect in a different crime.” He was charged with violating 18 U.S.C. §§922(a)(6) and 924(a)(1)(A) by falsely affirming that he was the actual buyer of the handgun. Abramski argued for dismissal on the basis that his misrepresentation was not material because in fact, Alvarez could have lawfully bought it himself. The District Court denied his motion. Abramski took a conditional guilty plea and appealed. The Fourth Circuit Court of Appeals affirmed the convictions, finding that the identity of the actual purchaser was always material under federal law.

Abramski requested certiorari and the U.S. Supreme Court granted review.

ISSUE: May a weapon be purchased, under federal law, by a “straw” purchaser?

HOLDING: No

DISCUSSION: Abramski’s primary argument was that federal gun law “simply does not care about arrangements involving straw purchasers” so long as that person, standing at the counter, is legally eligible to own a gun. The Court agreed that the language of the statute did not specifically address the concept of a straw purchaser. To answer that question, the Court looked to “interpret the relevant words not in a vacuum, but with reference to the statutory context, ‘structure, history and purpose.’”²

¹¹ Because Abramski had previously been a police officer, and retained an ID card even though he’d been fired, he thought he could get a deal.

² Maricich v. Spears, 570 U.S. – (2013).

The Court agreed that:

All those tools of divining meaning – not to mention common sense, which is a fortunate (though not inevitable) side-benefit of construing statutory terms fairly – demonstrate that 922, in regulating licensed dealers' gun sales, look through the straw to the actual buyer.

The Court noted that the whole purpose of the core provisions of the law was to “verify a would-be gun purchaser’s identity and check on his background” and that the relevant information be kept in the dealer’s records. No part of that works if the statute ignores straw purchases, which would make the process simply an empty formality. Without the ability to check the information for the “actual” purchases, the provisions of the law “would be utterly ineffectual, because the identification and background check would be of the wrong person.” Further, by storing the name of the purchases, law enforcement officers might be able to find a gun at a crime scene and “they can trace it to the buyer and consider him as a suspect.” It also allows dealers to spot suspicious purchasing practices. The Court noted that “those provisions can serve their objective only if the records point to the person who took actual control of the gun(s). At most, they may find only an intermediary, if those provisions are ignored.

Further:

Abramski’s view would thus render the required records close to useless for aiding law enforcement; Putting true numbskulls to one side, anyone purchasing a gun for criminal purposes would avoid leaving a paper trail by the simple expedient of hiring a straw.”

Abramski argued that to find otherwise, a later resale of a weapon to a private party, or the purchase of a firearm intended to be a gift for another, would also not be permitted. However, the Court agreed that the “secondary market for guns” was left “largely untouched” by Congress. That “choice (like pretty much everything Congress does) was surely a result of compromise.” The court noted that “the individual who sends a straw to a gun store to buy a firearm is transacting with the dealer, in every way but the most formal; and that distinguishes such a person from one who buys a gun, or receives a gun as a gift, from a private party.” Even though there is little control in the secondary firearms market, the Court found “no reason to gut the robust measures Congress enacted at the point of sale.”

The Court concluded:

No piece of information is more important under federal firearms law than the identity of a gun's purchaser – the person who acquires a gun as a result of a transaction with a licensed dealer. Had Abramski admitted that he was not that purchaser, but merely a straw – that he was asking the dealer to verify the identity of, and run a background check on, the wrong individual – the sale here could not have gone forward. That makes Abramski's misrepresentation on Question 11.a. material under §922(a)(6). And because that statement pertained to information that a dealer must keep in its permanent records under the firearms law. Abramski's answer to Question 11.a. also violated §924(a)(1)(A).

The decision of the U.S. Fourth Circuit was affirmed

FULL TEXT OF OPINION: http://www.supremecourt.gov/opinions/13pdf/12-1493_k5g1.pdf